

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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ANNA V. KASHPER, individually, and as mother )  
and next friend of Three Minors and as personal )  
representative of the ESTATE OF KONSTANTIN )  
M. KASHPER, )

Plaintiff, )

VS. )

TOYOTA MOTOR SALES, U.S.A., INC.; )  
TOYOTA MOTOR CORPORATION; )  
ENTERPRISE FM TRUST; ENTERPRISE FLEET )  
MANAGEMENT; JOHN DOE 1; JOHN DOE 2 )  
and JOHN DOE 3, )

Defendants. )

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C.A. No. 1:17-cv-12462-WGY

**THE PARTIES' JOINT MOTION TO AMEND SCHEDULING ORDER**

The plaintiff, Anna Kashper, and Defendants, Toyota Motor Sales, U.S.A., Inc, Enterprise FM Trust, and Enterprise Fleet Management hereby move, pursuant to Fed. R. Civ. P. 16(b)(4), for entry of an Order extending the fact discovery, expert disclosure, and expert deposition deadlines by 30 days. The parties have been diligently proceeding through discovery and request a modest extension of four interim deadlines to complete remaining discovery. These extensions will not prejudice any party and the parties are not proposing to amend the deadline for filing motions for summary judgment or the trial date.

**RELEVANT FACTS**

This case arises out of a single-vehicle accident that occurred on January 26, 2017 at approximately 4:30 P.M. on Interstate 495 in Milford, Massachusetts. The decedent, Konstantin Kashper, was driving a 2016 Toyota Tacoma C-Cab pickup truck northbound on I-495 when, for

unknown reasons, the vehicle left the roadway, traveled over an embankment, struck a rock formation, and did a half-roll before landing on its roof. Mr. Kashper was found unresponsive at the scene and ultimately pronounced dead.

The parties have exchanged written discovery and completed the depositions of seven fact witnesses, with three additional depositions scheduled. The parties request a modest 30-day extension of time to complete additional discovery prior to disclosing and deposing experts (pursuant to the Court's February 27, 2018 Scheduling Order (Document 35), the parties are required to provide with their expert disclosures three dates on which each expert is available for deposition). This is the parties' first request for an amendment to the Scheduling Order and seek the following extensions of certain interim deadlines:

<b>Event</b>	<b>Current Deadlines</b>	<b>Proposed Deadlines</b>
Fact Discovery Deadline	July 1, 2018	<b>August 1, 2018</b>
Plaintiff's Expert Disclosure Deadline	July 1, 2018	<b>August 1, 2018</b>
Defendants' Expert Disclosure Deadline	August 1, 2018	<b>September 1, 2018</b>
Deadline for Completion of Expert Depositions	October 1, 2018	<b>November 1, 2018</b>

The parties are not seeking to amend the November 1, 2018 deadline for filing dispositive motions or the March 4, 2019 trial date.

### **ARGUMENT**

Rule 16(b)(4) of the Federal Rules of Civil Procedure permits the modification of a Scheduling Order for good cause. As discussed above, the parties have been working cooperatively to complete discovery, and seek a modest 30-day extension of time to complete fact discovery, and disclose and depose expert witnesses as set forth above.

**CONCLUSION**

Accordingly, for the foregoing reasons, the parties request that the Court enter an Order extending the fact discovery deadline, expert disclosure deadlines, and expert deposition deadlines by 30 days as set forth above.

**PLAINTIFF**

By her Attorneys

/s/ Marc S. Alpert

Marc S. Alpert

Marc S. Alpert, P.C.

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**ENTERPRISE FM TRUST and  
ENTERPRISE FLEET MANAGEMENT**

By their Attorneys,

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/s/ Grace Garcia

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**TOYOTA MOTOR SALES, U.S.A.,  
INC.;**

By its Attorneys

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**CERTIFICATE OF SERVICE**

On June 25, 2018, I, Jacob J. Lantry, filed electronically and served by mail on anyone unable to accept electronic filing the foregoing document. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Jacob J. Lantry

Jacob J. Lantry